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6 Counsel for Defendant TOLENTINO
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES OF AMERICA,)	No. CR 07-00308 CRB
)	
12 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER TO CONTINUE HEARING
13 v.)	
)	
14 FRANK TOLENTINO,)	
)	
15 Defendant.)	
_____)	

16
17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the sentencing hearing in the above-captioned matter, presently
19 scheduled for Wednesday, February 13, 2008, be continued to Wednesday, April 9, 2008. The
20 reason for the continuance is the plea agreement contemplates a safety-valve sentence below the
21 five-year mandatory minimum, however Mr. Tolentino has one prior state conviction. Defense
22 counsel recently learned that there is a reasonable likelihood that the prior conviction will be
23 expunged. He is working with the San Francisco Public Defender to accomplish this and has
24 been informed that the process normally takes thirty to ninety days.
25
26

1 All parties, including the probation officer, are available on the requested date.

2 IT IS SO STIPULATED:

3 Dated: February 7, 2008

/S/
RONALD C. TYLER
Assistant Federal Public Defender

6 Dated: February 7, 2008

/S/
KIRSTIN AULT
Assistant United States Attorney

9 **[PROPOSED] ORDER**

10 GOOD CAUSE APPEARING, it is hereby ORDERED that the sentencing hearing in the
11 aforementioned matter currently set for February 13, 2008, shall be continued to April 9, 2008.

12 **IT IS SO ORDERED.**

14 Dated: _____

THE HONORABLE CHARLES R. BREYER
UNITED STATES DISTRICT COURT JUDGE